

REMARKS

Claims 16-32 and 34-45 are pending, with claims 16, 21, 26, 34 and 38 being independent. Claims 34-45 have been added. No new matter has been introduced.

Claims 16-32 have been rejected as being unpatentable over Yamazaki (U.S. Patent No. 6,198,133) in view of Ogawa et al. (U.S. Patent 5,670,297). Applicant again requests reconsideration and withdrawal of this rejection because one of ordinary skill in the art would have had no motivation to combine Yamazaki and Ogawa in the manner set forth in the rejection.

As previously noted by applicant, and as acknowledged by the Examiner, Yamazaki does not describe or suggest a second interlayer insulating film provided over the conductive layer to provide a leveled upper surface over the semiconductor layer, as recited in each of the independent claims. While Yamazaki describes a passivation film 528, this film, as shown in Fig. 5G of Yamazaki, does not have a leveled upper surface.

As previously noted by applicant, recognizing that Yamazaki does not show this aspect of the claims, the rejection turns to Fig. 8 of Ogawa, and argues that Ogawa shows a second interlayer insulating film (28) formed over a conductive layer (24/26) to provide a leveled upper surface over a semiconductor layer. The rejection further argues that the leveled upper surface is formed to allow for other layers to be formed thereon, such as another conductive layer or interlayer insulating film, and that motivation to combine Yamazaki and Ogawa would have resulted from a desire to allow for the formation of other layers on the leveled upper surface.

As has also been previously noted by applicant, applicant has been unable to find any indication in Ogawa that the film 28 should have a leveled upper surface in order to allow for other layers to be formed on the film. As such, the motivation set forth in the rejection is lacking, and there would have been no motivation to combine the references for at least this reason.

In addition, as has also been previously noted by applicant, even if Ogawa had indicated that it would be desirable to level the upper surface of the film 28 in order to form layers on top of it, this would have provided no motivation to modify the passivation film 528 of Yamazaki's

Figs. 5 and 6, since Yamazaki provides no indication that further layers are to be provided on the passivation film. Moreover, Ogawa is directed to a device that is substantially different from the electro-optical device of Yamazaki and, as such, one of ordinary skill in the art would have had no reason to turn to Ogawa for the purpose of modifying the device of Yamazaki. Accordingly, there would have been no motivation to combine these references for at least these additional reasons.

In response to these arguments, the Examiner, in the advisory action, asserts that (1) Fig. 8 shows that the second insulating layer is leveled to allow for other layers to be formed; (2) that the claimed invention does not disclose any criticality as to why the second insulating layer has to have a leveled upper surface; (3) that an encapsulate is going to be formed on the final package of Yamazaki when placing it on a wafer; and (4) therefore there is motivation to combine Yamazaki and Ogawa.

Applicant respectfully disagrees. With respect to point (1), applicant has not and does not dispute that the layer 28 of Ogawa has a leveled upper surface. The question is whether the layer has an upper surface for the purpose of permitting formation of additional layers, which the Examiner has indicated is the reason that there would have been motivation to combine Yamazaki and Ogawa. The mere fact that Fig. 8 of Ogawa shows a layer 28 with a leveled upper surface and additional layers formed on the layer 28 provides no indication that the purpose of the leveled upper surface is to permit the formation of additional layers such that one would have been motivated to modify Yamazaki in view of Ogawa. Moreover, as has been previously noted, applicant has been able to find no indication elsewhere in Ogawa that having a level upper surface would have been beneficial for this purpose.

With respect to point (2), applicant has no obligation to disclose any criticality as to the purpose of having a leveled upper surface. The rejection is relying on the purpose of forming additional layers as providing the motivation for combining Ogawa with Yamazaki, and applicant is merely disputing that such a purpose is indicated in the reference.

With respect to point (3), and even assuming for sake of argument that the Examiner is correct that an encapsulate would be formed on the final package, this would have provided no

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motivation to combine Yamazaki and Ogawa because there is no indication that encapsulate formation would benefit from having a leveled upper surface, particularly given that such an encapsulate would likely be orders of magnitude thicker than the layers at issue such that the variations in the layer surface would be insignificant relative to the scale of the encapsulate.

As such, with respect to point (4), applicant continues to assert that there would have been no motivation to combine Yamazaki and Ogawa. Accordingly, the rejection should be withdrawn.


Each of the new independent claims recites a second interlayer insulating film provided over a conductive layer to provide a leveled upper surface. Accordingly, these claims are believed to be allowable for at least the reasons discussed above.

Applicant submits that all claims are in condition for allowance.

The fees in the amount of \$2,290 in payment of the request for continued examination (\$790), additional claims fees (\$1,050), and two-month extension of time fee (\$450) are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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John F. Hayden
Reg. No. 37,640

Customer No. 26171
Fish & Richardson P.C.
1425 K Street, N.W. - 11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

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